

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application No. GA-079251 of	)	DOCKET NO. TG-040221
	)	
HAROLD LEMAY ENTERPRISES, INC.	)	ORDER NO. 05
	)	
	)	PREHEARING CONFERENCE
For an Extension of Certificate No.	)	ORDER; MODIFYING
G-98 for a Certificate of Public	)	PROCEDURAL SCHEDULE
Convenience and Necessity	)	
.....	)	
In re Application No. GA-079254 of	)	DOCKET NO. TG-040248
	)	
KLEEN ENVIRONMENTAL TECHNOLOGIES INC.	)	ORDER NO. 05
	)	
	)	PREHEARING CONFERENCE
For a Certificate of Public	)	ORDER; MODIFYING
Convenience and Necessity	)	PROCEDURAL SCHEDULE
.....	)	

1 **NATURE OF PROCEEDING.** Docket Nos. TG-040221 and TG-040248 are applications by Harold LeMay Enterprises, Inc. (LeMay) and Kleen Environmental Technologies, Inc. (Kleen Environmental), respectively, for certificates and extensions of certificates of public convenience and necessity for collection of solid waste, in particular biomedical waste. The applications are consolidated for hearing and determination under WAC 480-07-320 and WAC 480-70-111, as the applications request overlapping territory and were filed within the time period required in the rule.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in consolidated Docket Nos. TG-040221 and TG-040248 at Olympia, Washington on August 25, 2004, before Administrative Law Judge Ann E. Rendahl.

3     **APPEARANCES.** James K. Sells, Ryan Sells Uptegraft, Inc., P.S., Silverdale, Washington, represents LeMay as applicant, as well as LeMay, Rubatino Refuse Removal, Inc., Consolidated Disposal Services, Inc., and Washington Refuse and Recycling Association (WRRRA) as protestants to the Kleen Environmental application. Greg W. Haffner, Curran Mendoza P.S., Kent, Washington, represents Kleen Environmental as applicant and as an intervenor in the LeMay application. Stephen B. Johnson, Garvey Schubert Barer, Seattle, Washington, represents Stericycle of Washington, Inc. (Stericycle) as a protestant to both applications. Gregory J. Trautman, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).

4     **PREFILED TESTIMONY REQUIREMENT.** On August 23, 2004, counsel for Stericycle filed a letter with the Commission requesting clarification of the prefiled testimony requirements in this proceeding, and requesting an extension of time to file responsive testimony from September 10, 2004, until September 17, 2004. During the August 25, 2004, conference, the Administrative Law Judge clarified that the parties' operational and financial witnesses must file prefiled testimony and do not have the option of presenting direct testimony during the hearings scheduled to begin on September 27, 2004.

5     **CHANGES TO PROCEDURAL SCHEDULE.** During the conference, Stericycle's request for an extension of time to file testimony was granted. **The due date for Protestants', Intervenors', and Staff's prefiled testimony and Responsive testimony is extended from September 10, 2004, until September 17, 2004.** To accommodate this change in the filing date, other changes in the procedural schedule are required.

6     The filing date on September 20, 2004 and the prehearing conference scheduled for Tuesday, September 21, 2004, are rescheduled as follows: Parties must file with the Commission on **Wednesday, September 22, 2004 by Noon, their proposed exhibit lists, copies of cross-examination exhibits and a list of those**

**exhibits, as well as an order of witnesses and estimates of cross-examination times for other parties' witnesses.** These documents may be submitted electronically to the Commission and the Administrative Law Judge pursuant to WAC 480-07-145(6), provided that the parties file an original, plus 6 paper copies, of the documents with the Commission by the following business day, Thursday, September 23, 2004. The Administrative Law Judge will circulate electronically to all parties by Noon on Thursday, September 23, 2004, a draft agenda for the hearing, a chart of projected cross-examination times, as well as a consolidated exhibit list for the hearing.

7 **The prehearing conference scheduled for Tuesday, September 21, 2004, is rescheduled to Thursday, September 23, 2004, at 3:00 p.m.** The conference will be held in Room 108 of the Commission's offices in the Chandler Plaza Building, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington. Persons who cannot attend the conference in person may participate via the Commission's teleconference bridge line 360-664-3846. Persons desiring to participate via the bridge line must make advance reservations by calling Kippi Walker at 360-664-1139, no later than Noon on Wednesday, September 22, 2004.

8 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 1st day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge